

## Message Text

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ACTION DLOS-09

INFO OCT-01 EA-12 ISO-00 ACDA-12 AGRE-00 AID-05 CEA-01

CEQ-01 CG-00 CIAE-00 COME-00 DODE-00 DOTE-00

EB-08 EPA-04 SOE-02 DOE-15 FMC-02 TRSE-00 H-02

INR-10 INT-05 IO-14 JUSE-00 L-03 NSAE-00 NSC-05

NSF-02 OES-09 OMB-01 PA-02 PM-05 SP-02 SS-15

ICA-20 /167 W

-----119680 060303Z /13

R 060244Z SEP 78

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 1123

UNCLAS MANILA 15558

E.O. 11652: N/A

TAGS: PLOS, RP

SUBJECT: LOS: PHILIPPINE POSITIONS ON NAVIGATION AND

- US DEEP SEABED LEGISLATION

REF: MANILA 8703

1. PHILIPPINE POSITIONS ON NAVIGATION AND OVERFLIGHT AND REACTIONS TO PROPOSED US LEGISLATION ON DEEP SEABED RESOURCE EXPLOITATION WERE AIRED DURING LOS COMMITTEE WORKING SESSIONS AT AUGUST 27 TO SEPTEMBER 2 INTERNATIONAL LAW ASSOCIATION MEETING IN MANILA. ACCORDING TO SEPTEMBER 2 PRESS REPORTS, SOLICITOR GENERAL ESTELITO MENDOZA CALLED PROVISIONS OF DRAFT LOS ON PASSAGE OF VESSELS THROUGH A COUNTRY'S INTERNAL WATERS AS "UNREASONABLE IF NOT OPPRESSIVE." MENDOZA SAID THAT PRESENT ARTICLE CONTAINING PROVISIONS ON ARCHIPELAGIC PRINCIPLE "PLACES PHILIPPINES IN A WORSE SITUATION THAN IF ARCHIPELAGIC PRINCIPLE WERE NOT APPLIED." HE ADDED THAT SOME PROVISIONS WOULD RECOGNIZE RIGHT OF OVERFLIGHT OF ALL SORTS OF AIRCRAFT OVER COUNTRY'S INTERNAL WATERS. MENDOZA NOTED THAT PROVISION IN PRESENT ARTICLE OF DRAFT TREATY

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("PASSAGE THROUGH NORMAL MODES OF VESSELS") IS MORE LIBERAL THAN "RIGHT OF INNOCENT PASSAGE."

2. MENDOZA WENT ON TO SAY THAT PHILIPPINES HAS INDICATED WILLINGNESS TO RECOGNIZE RIGHT OF INNOCENT PASSAGE OF COMMERCIAL SHIPS "THROUGH USUAL NAVIGATION ROUTES THROUGH THE BASELINES." HE STATED THAT GOP RESERVES RIGHT RE

PASSAGE OF WARSHIPS THROUGH HER INTERNAL WATERS.

3. RE SEABED EXPLOITATION, MENDOZA REPORTEDLY STATED  
THAT PROPOSED US LEGISLATION RUNS COUNTER TO 25TH UNGA  
REOLUTION 2749 OF DECEMBER 17, 1970 AND UN RESOLUTION  
2974D. MURPHY

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MINING, SEABED, FOREIGN POLICY POSITION, US CONGRESSIONAL LEGISLATIVE BILLS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 06 sep 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
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**Disposition History:** n/a  
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**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
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20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014